

From: [Trials](#)
To: [Richard Cochrane](#); [Trials](#)
Cc: [Hamad Hamad](#); [midwest@caldwellcc.com](#); [Tobin, David](#); [Oaks, Brian](#); [PacifiCorp-PTAB-ME2C](#); [rsjohnson](#); [Patton, Thomas](#); [Donels, Cara](#); [_MidAmerican](#)
Subject: RE: IPR2025-00274, IPR2025-00278, IPR2025-00280, IPR2025-00281, IPR2025-00422, IPR2025-00423, IPR2025-00424, IPR2025-00425, IPR2025-00687, IPR2025-00688, IPR2025-00717, and IPR2025-00718
Date: Wednesday, January 28, 2026 8:21:27 AM
Attachments: [image001.png](#)

Counsel,

Judge Ross did not have a conflict of interest at the time of the issuance of the Decision on Institution. Subsequently, Judge Ross had a death in the family and, as a result, Judge Ross became the beneficiary of holdings that prompted her recusal in the above-referenced matters.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
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IPR2025-00274
Ex. 3108

From: Richard Cochrane <rcochrane@caldwellcc.com>
Sent: Monday, January 12, 2026 5:30 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2025-00274, IPR2025-00278, IPR2025-00280, IPR2025-00281, IPR2025-00422, IPR2025-00423, IPR2025-00424, IPR2025-00425, IPR2025-00687, IPR2025-00688, IPR2025-00717, and IPR2025-00718

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Dear Board,

Patent Owner writes in regard to the Board's recent Panel Change Order by which Patent Judge Kristina Kalan has replaced Patent Judge Avelyn Ross due to recusal. Patent Owner notes that Judge Ross drafted the institution decisions in these proceedings, and that those institution decisions addressed both substantive issues of patentability and issues related to real parties in interest/privity. In addition, Patent Owner has contended in these proceedings that Petitioners failed to identify all necessary real parties in interest, and it is currently seeking further discovery into those issues.

Given that background, and pursuant to the Board's Panel Change Order directing the parties to contact the Board with questions about the recusal, Patent Owner requests information regarding the facts necessitating recusal (for example, the entity and circumstances causing the conflict), an explanation as to the discovery of those facts, and whether we can expect Patent Judge Ross to be recused in related matters (IPR2025-00422, IPR2025-00423, IPR2025-00442, IPR2025-00425, IPR2025-00687, IPR2025-00688, IPR2025-00717, and IPR2025-00718).

Patent Owner conferred with counsel for Petitioners, who declined to provide a position in connection with this communication.

Sincerely,
Richard A. Cochrane
Counsel for Patent Owner

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